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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 **SMARTEK21, LLC, a Washington limited**
11 **liability company,**

12 **Plaintiff,**

13 **v.**

14 **VISIKARD, INC., a Delaware corporation, and**
15 **KENNETH LIPSCOMB, an individual.**

16 **Defendants.**

NO.: 2:17-cv-01798-TSZ

ORDER GRANTING
PLAINTIFF'S MOTION TO
REOPEN CASE AND ENTER
JUDGMENT BY CONFESSION

17 **Findings of Fact & Conclusions of Law**

- 18 1. On June 21, 2019, the parties entered into a Settlement Agreement setting forth a
19 payment schedule for the agreed-upon settlement amount.
20 2. Contemporaneously, the Defendants executed a Confession of Judgment in the amount of
21 \$200,000.00.
22 3. The Settlement Agreement provides that if the Defendants default on the settlement
23 payments, SmarTek21 shall reopen this litigation and enter the Confession of Judgment.
24 4. Defendants have defaulted on the settlement payments and have made no payments
25 toward the settlement amount.
5. Plaintiff filed a motion to reopen this case (docket no. 87) within 90 days of the May 30,
2019 Order of Dismissal (docket no. 86).

- 1 6. Reopening this case is warranted.
- 2 7. Entry of judgment by confession is warranted in the amount of \$200,000.00.
- 3 8. Defendants are jointly and severally liable for the Confession of Judgment, a copy of
- 4 which is attached hereto.
- 5 9. There is no just reason to delay entering final judgment in this case.

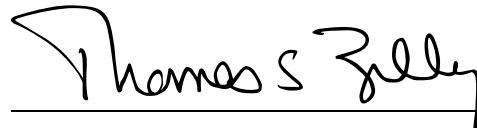
6 **ORDER**

7 IT IS HEREBY ORDERED that Plaintiff's Motion to Reopen Case and Enter Judgment

8 By Confession is GRANTED:

- 9 A. This lawsuit is reopened.
- 10 B. Pursuant to the attached Confession of Judgment, the Clerk is directed to enter final
- 11 judgment in favor of SmarTek21 and against Defendant VisiKard, Inc. and Defendant
- 12 Kenneth Lipscomb, jointly and severally, in the amount of \$200,000.00. The Judgment
- 13 shall be subject to 12% per annum post-judgment interest.

14 DATED this 17th day of September, 2019.

15 

16 Thomas S. Zilly
United States District Judge

17 Presented By:
18 MDK Law

19 */s/ Mark D. Kimball*

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